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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 29th March 2011

No. 3154—li/1 (B)-67/2004-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 17th February 2011 in Industrial Dispute Case No. 26 of 2007 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the management of M/s. Assistant General Manager, CESCO. (Erstwhile Executive Engineer, Electrical Division, Bhubaneswar, O.S.E.B./GRIDCO), Deputy General Manager, CESCO (the then Superintending Engineer) and their workman Shri Gobardhan Bhoi was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 26 OF 2007

The 17th February 2011

Present :

Shri S. K. Dash,
Presiding Officer, Labour Court,
Bhubaneswar.

Between :

The Assistant General Manager, CESCO, Bhubaneswar, Plot No. 841, Rasulgarh, Bhubaneswar.	..	First-party Management
The Deputy General Manager, CESCO, Electrical Circle No. 1, Unit-IV, Bhubaneswar.		

And

Shri Gobardhan Bhoi, S/o Late Pathani Bhoi, At Bagalapur, P.O. Athantara, Via Balipatna, Dist. Khurda.	.. Second-party Workman
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Appearances :

Shri Basudev Mahakud, Executive Engineer (Elect.)	.. First-party Management himself
Shri Gobardhan Bhoi	.. Second-party Workman himself

AWARD

The Government of Orissa in exercise of powers conferred by sub-section (5) of Section 12, read with clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the matter in dispute to this Court vide Order No. 7740—li/1 (B)-67/2004-L.E., dated the 13th June 2007 of the Labour & Employment Department, Bhubaneswar for adjudication.

2. The terms of reference is as follows :—

"Whether the action of the management, i. e., the Assistant General Manager, CESCO, Bhubaneswar (Erstwhile Executive Engineer, Electrical Division, Bhubaneswar O.S.E.B./GRIDCO), in retrenching Shri Gobardhan Bhoi, N. M. R. Worker with effect from the 1st November 1999 is legal and/or justified ? If not, to what relief Shri Gobardhan Bhoi is entitled ?"

3. Both parties are present. The terms embodied in the settlement are read over and explained to the parties and they admitted the same to be true and correct. The workman submitted that he has settled the dispute not under any duress. The terms of settlement being genuine are recorded. I am satisfied that the settlement is voluntary in nature. An Award is accordingly passed in terms of the settlement which is made part of the Award.

Dictated and corrected by me.

S. K. DASH
 17-2-2011
 Presiding Officer
 Labour Court, Bhubaneswar

S. K. DASH
 17-2-2011
 Presiding Officer
 Labour Court, Bhubaneswar

By order of the Governor
 P. K. PANDA
 Under-Secretary to Government

FORM-'K'
 (See Rule-64)
Memorandum of Settlement
BEFORE THE PRESIDING OFFICER, LABOUR COURT
BHUBANESWAR
 I. D. Case No. 26/2007

AGM, CESU

B. E. D., Rasulgarh, Bhubaneswar.....1st Party—Management
Vrs.

Shri Gobardhan Bhoi

S/o Pathani Bhoi

Vill. Bhagalpur, P. O. Anthantar

Via Balipatana, Dist. Khurda, Orissa.....2nd Party—Workman

SHORT RECITAL OF THE CASE

That, the second-party workman Shri Gobardhan Bhoi was working as NMR under the first-party management since 1972 till the date of retrenchment, i. e., the 1st November 1999 and also he has worked more than 400 days continuously to meet the criteria for regularisation.

That at the time of refusal of employment no notice pay, notice and compensation was paid to the second-party of the workman. Due to refusal of employment the second-party workman raised an industrial dispute in the District Labour Officer, Khurda at Bhubaneswar. The matter was admitted into conciliation proceedings and after its failure, the State Government in Labour & Employment Department referred to the dispute, the Presiding Officer, Labour Court, Bhubaneswar for adjudication and the same has been registered as I. D. Case No. 26/2007 and is under proceedings.

That since Shri Gobardhan Bhoi was reinstated as NMR under the first-party management with effect from the 17th December 2008, in pursuance to order, dated the 1st February 2008 passed by Hon'ble High Court of Orissa, Cuttack in WP (C) No. 4804 of 2003, he does not want to proceed the above case further.

Terms of Settlement

That, Shri Gobardhan Bhoi was reinstated as NMR with effect from the 17th December 2008, in pursuance to the order dated the 1st February 2008 passed by Hon'ble High Court of Orissa, Cuttack in WP (C) No. 4804 of 2003. After reinstatement of Shri Gobardhan Bhoi as NMR, we both the parties do not want to proceed with the above case further and accordingly the above case may be dropped as withdrawn in view of the amicable settlement.

Settelment signed on the 7th day of January, 2011 in presence of witness.

BASUDEV MAHAKUD
 Executive Engineer (Elec.)
 B.E.D., CESU, Bhubaneswar
 (First-party Management)

Witness :

1. Kailash Chandra Mishra
 Head Clerk, B.E.D.
2. Naba Kishore Pradhan
 Clerk-B, B.E.D, BBSR

Gobardhan Bhoi

(Second-party Workman)
 17-2-2011